

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Melvin JOHNSON, Jamal SCOTT, and
Armando TORRES; individually and on
behalf of all similarly situated individuals,

Plaintiffs,
-vs-

DECLARATION
18-CV-6568

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION, GOVERNOR ANDREW
CUOMO, in his official capacity, ACTING
COMMISSIONER ANTHONY ANNucci,
in his official capacity, and THE STATE OF
NEW YORK,

Defendants.

1. I am an Assistant Attorney General, of counsel to Letitia James, Attorney General of the State of New York and, in that capacity, represent the New York State defendants in the above captioned proceeding.
2. I make this application for an extension of the Court's February 4, 2019 discovery plan (doc. #18).
3. Plaintiff sent to defendants a request for documents and interrogatories dated March 26, 2019.
4. I am working to complete the responses, but have not yet completed the responses.
5. I was on trial the last week of March and have a trial scheduled the week of June 3, 2019. I am also away with my family April 26, 2019 to May 2, 2019.
6. I therefore request that the close of class discovery be due on June 3, 2019 and the deadline for the motion for class certification be due on or before June 28, 2019.

7. Plaintiff's counsel does not oppose my request for an extension of fact discovery and time for me to respond, so long as the motion for class certification is also extended.

Dated: April 25, 2019

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants

s/Gary M. Levine
GARY M. LEVINE
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CERTIFICATE OF SERVICE BY MAIL

I certify that on April 25, 2019, I electronically filed the foregoing Attorney Declaration on behalf of all defendants with the Clerk of the District Court using CM/ECF system, which sent notification of such filing to the following:

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LETITIA JAMES
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